

Message Text

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ACTION AF-08

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TO SECSTATE WASHDC 6722

INFO AMCONSUL CAPE TOWN

AMEMBASSY DAR ES SALAAM

AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 PRETORIA 0439

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS

TAGS: PINT, SF

SUBJ: DEATHS IN DETENTION

REF: (A) JOHANNESBURG 77, (B) PRETORIA 306, (C) JOHANNESBURG 50,
(D) 76 PRETORIA 5791,

1. INTRODUCTION AND SUMMARY: NO INQUEST IN SOUTH AFRICA HAS
EVER FOUND A POLICEMAN OR UNKNOWN PERSON RESPONSIBLE FOR THE
DEATH OF A DETAINEE. EMBOFF HAD EXTENSIVE DISCUSSION ABOUT
SUBJECT ON JANUARY 29 WITH SHUN CHETTY, LAWYER FOR SIX FAMILIES OF
DEAD DETAINEES. CHETTY REVIEWED HIS SIX CASES AND SAID THE CRUX
OF THE ACCOUNTABILITY PROBLEM FOR THE DEATHS IS SAG'S TOTAL
CONTROL OVER THE TIMING OF AND PARTICIPANTS ATTENDING THE
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DETAINEES' POST-MORTEM.

2. CASE OF NABAOTH NTSHUNTSCHA: NTSHUNTSCHA, A SOWETO
HOMEOPATH, WAS ARRENTED DECEMBER 14TH AS REPORTED REFTL (A).
HIS WIFE, FLORENCE, SAW HIM IN DECEMBER AND SAID HE WAS IN GOOD
HEALTH. ON SUNDAY JANUARY 9TH, HIS BODY WAS FOUND HANGING BY HIS
VEST IN THE LESLIE POLICE STATION (NEAR SPRINGS, EAST OF JOHANNES-

BURG). THE POLICE CALLED THE DISTRICT SURGEON WHO TOLD THEM TO TAKE THE BODY TO A MORTUARY. MRS. NTSUNTSHA WENT TO SEE HER ATTORNEY, MR. SHUN CHETTY, ON MONDAY JANUARY 10 AT 1300. CHETTY PHONED THE JOHANNESBURG MORTUARY AND WAS TOLD THE BODY WAS NOT THERE. AFTER EXTENSIVE TELEPHONING, CHETTY LOCATED THE BODY AT THE SPRINGS MORTUARY AT 1415 AND SPOKE TO THE OFFICER-IN-CHARGE. (BECAUSE THE SPRINGS MORTUARY IS A SAG INSTITUTION, THE OFFICER-IN-CHARGE WAS A POLICEMAN.) CHETTY WAS INFORMED THAT THE POST-MORTEM HAD NOT BEEN HELD YET BECAUSE THE FAMILY HAD NOT IDENTIFIED THE BODY. THE OFFICER ASKED FOR AND RECEIVED THE ADDRESS OF MRS. NTSUNTSHA. CHETTY AND TWO OTHER INDIVIDUALS IMMEDIATELY DROVE TO SPRINGS TO INFORM THEM IN PERSON THAT THE FAMILY WISHED TO HAVE A PRIVATE PATHOLOGIST PRESENT AT THE POST-MORTEM. WHEN THEY ARRIVED AT THE MORTUARY, THE OFFICER-IN-CHARGE SAID, "AS FAR AS I KNOW, THEY ARE DOING THE POST-MORTEM NOW." CHETTY ORDERED THE POST-MORTEM STOPPED IMMEDIATELY. CHETTY THEN LEARNED THAT THE POST-MORTEM WAS NOT TAKING PLACE BECAUSE THE STATE PATHOLOGIST WAS LATE. WHILE WAITING FOR THE STATE PATHOLOGIST, CHETTY NOTICED THAT THE MORTUARY WAS FULL OF SECURITY POLICE WHO APPEARED VERY NERVOUS. CHETTY ASKED THE MORTUARY ATTENDANT WHY THEY WERE READY TO BEGIN THE POST-MORTEM WHEN THE FAMILY HAD NOT IDENTIFIED THE BODY AND WAS TOLD THAT A MAJOR COETZEE, THE INVESTIGATING OFFICER, HAD IDENTIFIED IT. (NOTE: CHETTY COMMENTED THIS PROCEDURE IS LEGAL.) AT 1630 THE PATHOLOGIST HAD NOT SHOWN UP AND CHETTY ASKED TO SEE THE BODY. HE WAS TOLD THIS WOULD NOT BE POSSIBLE WITHOUT THE PATHOLOGIST. HE WAS ALSO TOLD THAT THE BODY HAD ALREADY UNDERGONE A "CONVENTIONAL POST-MORTEM INCISION" FROM HEAD TO GROIN AND EAR TO EAR. CHETTY PROTESTED AND WAS TOLD THAT

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A MAJOR IN THE SECURITY BRANCH HAD INSTRUCTED THAT THIS BE DONE. AT 1715, THE POLICE CALLED THE STATE PATHOLOGIST AND ASKED HIM TO COME IN THE FOLLOWING DAY. CHETTY WAS DISMAYED BECAUSE HE HAD BEEN TOLD THAT THE STATE PATHOLOGIST WAS SUPPOSED TO COME THAT SAME DAY AND WAS LATE. CHETTY WAS ALSO TOLD THE DISTRICT SURGEON AND NOT A MAJOR ORDERED THE BODY CUT. THE NTSUNTSHA POST-MORTEM WAS HELD AT THE JOHANNESBURG MORTUARY ON JANUARY 26TH. THE FAMILY ASKED A PRIVATE PATHOLOGIST, DR. JONATHAN GLUCKMAN, TO ATTEND THE OPERATION. AFTER DR. GLUCKMAN'S ASSISTANT TOOK SOME PHOTOS OF THE BODY, GLUCKMAN WALKED OUT IN PROTEST BECAUSE THE BODY HAD ALREADY BEEN CUT. (NOTE: IN ORDER TO CONDUCT A COMPLETE POST-MORTEM, A PATHOLOGIST MUST SUBJECT THE BODY TO AN INTENSIVE EXAMINATION BEFORE ANY CUTTING IS DONE. OTHERWISE, THE CAUSE OF DEATH CAN NEVER BE ACCURATELY DETERMINED.) IN THE WORDS OF DR. GLUCKMAN TO THE JANUARY 27TH PRESS, "THIS IS CONTRARY TO ALL RECOGNISED CONDUCT IN MORTUARIES AND INFINITELY MORE SO IN CASES OF UNNATURAL DEATH. IN A LIFETIME OF PRACTISING PATHOLOGY I HAVE NEVER HEARD OF SUCH A PRACTICE." STATE PATHOLOGIST'S POST-MORTEM RESULTS HAVE NOT BEEN RELEASED

YET AND AN INQUEST DATE HAS NOT BEEN SET. (NOTE: PRP MP HELEN SUZMAN QUESTIONED MINISTER OF JUSTICE JIMMY KRUGER JAN. 25 ON CUTTING OF NTSHUNTSHA BODY PRIOR TO POST-MORTEM. KRUGER SAID "INITIAL INVESTIGATIONS INDICATE THE INCISION WAS DONE WITHOUT EXPLICIT AUTHORITY FOLLOWING A PRACTICE THAT HAS APPARENTLY DEVELOPED IN SOME MORTUARIES." ACCORDING TO PRESS, SUZMAN LATER COMMENTED: "I SINCERELY HOPE THAT THE PRACTICE THE MINISTER MENTIONED WILL BE STRICTLY FORBIDDEN FORTHWITH SINCE IT IS CLEARLY HIGHLY IRREGULAR.")

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C O N F I D E N T I A L SECTION 2 OF 2 PRETORIA 0439

CAPE TOWN FOR EMBASSY

3. CASE OF ELMON MALELE (REFTEL B). MALELE WAS ARRESTED IN CONNECTION WITH THE LATE 1976 SOWETO HOME BLAST (REFTEL C). THE POLICE INFORMED THE FAMILY ON JANUARY 20 THAT THEY SHOULD REPORT TO THE SOWETO POLICE STATION ON JANUARY 21 TO DISCUSS SOME ASPECTS OF THE CASE. THE POLICE RETURNED TO THE MALELE HOME AT 0630 ON THE MORNING OF JANUARY 21 AND TOLD THE FAMILY MALELE HAD DIED. THE WIFE AND SON WERE TAKEN TO THE HILLBROWN POLICE STATION FOR "FORMALITIES" AND THEN TO THE JOHANNESBURG MORTUARY TO IDENTIFY THE BODY. THEY WENT TO CHETTY'S OFFICE AT 1200 THE SAME DAY. WITHIN TWO HOURS OF THEIR ARRIVAL,

CHETTY SECURED AN ADVOCATE AND WENT TO THE MORTUARY TO TELL THEM THAT THE FAMILY WANTED A PRIVATE PATHOLOGIST PRESENT AT THE POST-MORTEM. THEY WERE TOLD THAT THE POST-MORTEM HAD ALREADY BEEN DONE. THE MALELE FAMILY ADVOCATE SPOKE TO THE STATE PATHOLOGIST
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WHO SAID MALELE DIED OF A STROKE. AN ANONYMOUS CALLED SUBSEQUENTLY TOLD A NEWSPAPER THAT MALELE REALLY DIED OF HEMORRHAGING AND THAT HE HAD BROKEN RIBS. THE PRESS ASKED THE SECURITY POLICE ABOUT THIS AND WAS TOLD THAT MALELE HAD BEEN HEMORRHAGING FROM A STROKE AND BROKEN RIBS FROM THE SOWETO HOME EXPLOSION.

4. TWO OTHER DEATHS IN DETENTION IN WHICH A PRIVATE PATHOLOGIST WAS NOT PRESENT AT THE POST-MORTEM ARE WILLIAM NAMODI TSHWANE AND EDWARD MZOLO (REFTEL D). TSHWANE WAS ARRESTED ON JULY 25, 1976. ON OCTOBER 14, THE FAMILY WAS TOLD THAT HE HAD BEEN SHOT DEAD WHILE ATTEMPTING TO ESCAPE. THE POLICE SAID THEY HAD DIFFICULTY LOCATING HIS FAMILY SO THE POST-MORTEM HAD ALREADY BEEN CONDUCTED AND THE BODY BURIED. AN INQUEST DATE STILL HAS NOT BEEN SET. MZOLO WAS ARRESTED ON OCTOBER 1, 1976. HE DIED ON OCTOBER 9 AND THE FAMILY WAS NOTIFIED ON OCTOBER 20 THAT HE HAD DIED IN THE HOSPITAL OF A CHEST CONDITION. AN INQUEST HAS NOT YET BEEN HELD.

5. POLICE WILLINGNESS TO ADMIT A PRIVATE PATHOLOGIST TO THE POST-MORTEM OF DETAINEES LAWRENCE NDZANGA (REFTEL A) AND JACOB MASHABANE (REFTEL D) IS IN STARK CONTRAST TO PREVIOUS FOUR CASES. NDZANGA, A TERRORISM ACT DETAINEE, DROPPED DEAD IN A MEAL QUEUE ON JANUARY 9 AT THE FORT (JOHANNESBURG). NDZANGA WAS AWAITING TRIAL AND HAD SPOKEN TO CHETTY SUBSEQUENT TO HIS ARREST. DR. GLUCKMAN, THE PRIVATE PATHOLOGIST HIRED BY THE FAMILY TO ATTEND THE POST-MORTEM, SAID THERE WAS NO QUESTION THAT NDZANGA DIED OF PLEURISY. MASHABANE, A UNIVERSITY OF ZULULAND STUDENT, WAS ARRESTED ON OCTOBER 1. THE POLICE INFORMED THE FAMILY ON OCTOBER 12 THAT HE HAD DIED ON OCTOBER 5. DR. BRUNT, THE FAMILY PATHOLOGIST ATTENDED THE POST-MORTEM AND CONFIRMED THAT MASHABANE HAD HANGED HIMSELF.

6. JANUARY 30 SUNDAY EXPRESS FEATURE ENTITLED "WHY DO THESE PEOPLE DIE?" REPORTED THAT STATE PATHOLOGIST DR. G.J. KNOBEL TOLD CAPE TOWN INQUEST THAT LUKE MAZWEMBE, DETAINEE WHO DIED IN CUSTODY LAST NOVEMBER, MAY HAVE BEEN KILLED AND SUBSEQUENTALLY
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HANGED. INQUEST CONTINUES. FEATURE NOTES THAT 35 DETAINEES HAVE DIED SINCE 1963, 16 IN THE PAST ELEVEN MONTHS AND 18 OF ALL

35 DEATHS HAVE BEEN SUICIDES.

7. COMMENT: IN ABSENCE OF LEGISLATION OR ADMINISTRATIVE
RULE PREVENTING POLICE FROM CONDUCTING POST-MORTEMS
OR DAMAGING BODIES OF DETAINEES WITHOUT FAMILY
APPOINTED PATHOLOGIST PRESENT, CURRENT ABUSE WILL NOT ABATE.
WITHOUT STRONG PRESSURE ON SAG TO BRING ABOUT CHANGE IN PRACTICE,
POLICE WILL BE FREE TO CONTINUE TO CIRCUMVENT EFFECTIVE
JUDICIAL SCRUTINY.
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